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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23495 of 2003

Between:

M/s. Pragada Enterprises Perupalem (V), Mogaltur Mandal,
West Godavari District rep by its Managing Partner smt. Chennapragada Ananpurna

..... PETITIONER

AND

Senior Branch Manager, A.P. State Financial Corporation,
25-8-1, Korukonda Road, Andhra Bank Complex
Jayakrishnapuram, Rajahmundry, East Godavari District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the proposed action of the respondent in seizing the petitioner's Unit dt 19-9-2003 situated at Gadala, Korukonda Mandal, East Godavari District Village and in respect of lands situated in S. No. 282/11 to an extent of Ac. 5.59 cents; S. NO. 411 Ac. 2.02 cents and S.NO. 171; Ac. 2.33 cents, total extent of Ac. 9.94 cents of perupalam village Mogalthuru Mandal, West Godavari District, Consequentially putting the petitioner Unit as well as the mortgaged properties of the petitioner Unit situated at Gadala and Perupalem villages, for auction scheduled to be held on 12-11-2003 vide letter Ref. No. No. AFC/MR&R/RJy/2003-04 dt 31-10-2003 published in Eanadu Telugu daily dt 31-10-2003 under Sec. 29 of State Financial Corporation Act, as illegal, arbitrary and violative of Principles of natural justice and for a consequential order directing the respondent to drop all further proceedings pursuant to the sale Notice dt 31-10-2003 vide ref. No. AFC/MR&R/RJY/2003-04

Counsel for the Petitioner:MR.CH.DHANAMJAYA

Counsel for the Respondent No.: MR.Y.N.LOHITA

The Court made the following :

ORDER:

Heard both the learned Counsel and at their request the main Writ Petition itself is taken up for disposal at the interlocutory stage.

The petitioner, which is a unit, seeks Writ of Mandamus challenging the action of the respondent herein in seizing the unit and proceeding to recover the amounts stated to have been advanced by the respondent-Corporation.

Several contentions are sought to be urged on either side. However, the fact remains that the petitioner is admittedly taken the loan and in respect of which the respondent is taken steps. However, having regard to the fact that the respondent-corporation itself is come up with the one time settlement scheme, it is more desirable that the petitioner's case also be considered in the same perspective.

Accordingly, the Writ Petition is disposed of, directing the petitioner to file representation before the respondent-corporation within a period of two weeks from today and on receipt of such representation the respondent-corporation shall dispose of the same within a period of two weeks from the date of filing of the representation and pass orders in accordance with law. It is needless to mention that till the disposal of the said representation, no coercive steps shall be taken against the petitioner by the respondent-corporation. No costs.

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B.PRAKASH RAO, J.

Dated 21-07-2004.

Note: C.C. by tomorrow.

(B/O)

skmr

To

1. Senior Branch Manager, A.P. State Financial Corporation,
   25-8-1, Korukonda Road, Andhra Bank Complex
   Jayakrishnapuram, Rajahmundry, East Godavari District

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